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## Legislative History – Montana Session Law

Chapter: 216      Session L: 2001

Bill Number: SB 285

### Checklist of Bill History

|                                |                                     |
|--------------------------------|-------------------------------------|
| History and Final Status Sheet | <input checked="" type="checkbox"/> |
| Introduced Bill                | <input checked="" type="checkbox"/> |
| Fiscal Note                    | <input checked="" type="checkbox"/> |
| Third Reading Bill             | <input type="checkbox"/>            |
| Final Version of Bill          | <input type="checkbox"/>            |

| House                              | Senate                     |
|------------------------------------|----------------------------|
| Committee: Fish, Wildlife, & Parks | Committee: Fish & Game     |
| Hearing Date(s): 3/8/2001          | Hearing Date(s): 1/30/2001 |
| Committee Report: 3/14/2001        | Committee Report: 2/2/2001 |
| Conference Committee               |                            |

Hearing Date(s):

Conference Committee Report:

### Compiler Notes

Compiled by:

Date:

Notes:

*SK Marshall*  
*3/27/2024*  
*Minutes are held at Montana Historical Society!*

**Bill Draft Number:** LC0399**Bill Type - Number:** SB 285**Short Title:** Revise conservation license laws**Primary Sponsor:** Walter McNutt (R) SD 50**Chapter Number:** 216**Bill Actions - Current Bill Progress:** Became Law**Bill Action Count:** 52

| Action - Most Recent First                             | Date       | Votes Yes | Votes No | Committee                    |
|--------------------------------------------------------|------------|-----------|----------|------------------------------|
| Chapter Number Assigned                                | 04/06/2001 |           |          |                              |
| (S) Signed by Governor                                 | 04/06/2001 |           |          |                              |
| (S) Transmitted to Governor                            | 03/27/2001 |           |          |                              |
| (H) Signed by Speaker                                  | 03/26/2001 |           |          |                              |
| (S) Signed by President                                | 03/24/2001 |           |          |                              |
| (S) Returned from Enrolling                            | 03/22/2001 |           |          |                              |
| (C) Printed - New Version Available                    | 03/22/2001 |           |          |                              |
| (S) Sent to Enrolling                                  | 03/22/2001 |           |          |                              |
| (H) Motion Carried                                     | 03/21/2001 |           |          |                              |
| (H) Motion Carried                                     | 03/21/2001 |           |          |                              |
| (H) Returned to Senate                                 | 03/21/2001 |           |          |                              |
| (H) 3rd Reading Concurred                              | 03/21/2001 | 74        | 26       |                              |
| (H) Scheduled for 3rd Reading                          | 03/21/2001 |           |          |                              |
| (H) 2nd Reading Concurred                              | 03/20/2001 | 75        | 25       |                              |
| (H) Scheduled for 2nd Reading                          | 03/20/2001 |           |          |                              |
| (H) 2nd Reading Pass Consideration                     | 03/19/2001 |           |          |                              |
| (H) Scheduled for 2nd Reading                          | 03/19/2001 |           |          |                              |
| (H) Committee Report--Bill Concurred                   | 03/14/2001 |           |          | (H) Fish, Wildlife and Parks |
| (H) Committee Executive Action--Bill Concurred         | 03/14/2001 | 18        | 2        | (H) Fish, Wildlife and Parks |
| (H) Hearing                                            | 03/08/2001 |           |          | (H) Fish, Wildlife and Parks |
| (H) Referred to Committee                              | 03/01/2001 |           |          | (H) Fish, Wildlife and Parks |
| (H) First Reading                                      | 03/01/2001 |           |          |                              |
| (S) Transmitted to House                               | 02/06/2001 |           |          |                              |
| (S) 3rd Reading Passed                                 | 02/06/2001 | 46        | 4        |                              |
| (S) Scheduled for 3rd Reading                          | 02/06/2001 |           |          |                              |
| (S) 2nd Reading Passed on Voice Vote                   | 02/05/2001 | 44        | 3        |                              |
| (S) Scheduled for 2nd Reading                          | 02/05/2001 |           |          |                              |
| (C) Printed - New Version Available                    | 02/02/2001 |           |          |                              |
| (S) Committee Report--Bill Passed as Amended           | 02/02/2001 |           |          | (S) Fish and Game            |
| (S) Committee Executive Action--Bill Passed as Amended | 02/02/2001 | 9         | 1        | (S) Fish and Game            |
| (S) Hearing                                            | 01/30/2001 |           |          | (S) Fish and Game            |
| (S) Fiscal Note Printed                                | 01/30/2001 |           |          |                              |
| (S) Fiscal Note Signed                                 | 01/29/2001 |           |          |                              |
| (S) Fiscal Note Received                               | 01/29/2001 |           |          |                              |
| (S) Fiscal Note Requested                              | 01/22/2001 |           |          |                              |
| (C) Introduced Bill Text Available Electronically      | 01/20/2001 |           |          |                              |
| (S) Referred to Committee                              | 01/19/2001 |           |          | (S) Fish and Game            |
| (S) First Reading                                      | 01/19/2001 |           |          |                              |
| (S) Introduced                                         | 01/19/2001 |           |          |                              |
| (C) Draft Delivered to Requester                       | 01/19/2001 |           |          |                              |
| (C) Draft Ready for Delivery                           | 12/28/2000 |           |          |                              |
| (C) Draft in Assembly/Executive Director Review        | 12/21/2000 |           |          |                              |
| (C) Bill Draft Text Available Electronically           | 12/21/2000 |           |          |                              |
| (C) Draft in Final Drafter Review                      | 12/21/2000 |           |          |                              |
| (C) Draft in Input/Proofing                            | 12/19/2000 |           |          |                              |
| (C) Draft to Drafter - Edit Review [JLN]               | 12/19/2000 |           |          |                              |
| (C) Draft in Edit                                      | 12/18/2000 |           |          |                              |
| (C) Draft in Legal Review                              | 12/18/2000 |           |          |                              |
| (C) Draft Back for Requester Changes                   | 11/22/2000 |           |          |                              |
| (C) Draft to Requester for Review                      | 11/22/2000 |           |          |                              |
| (C) Draft to Requester for Review                      | 11/13/2000 |           |          |                              |
| (C) Draft Request Received                             | 10/30/2000 |           |          |                              |

**Sponsor, etc.**

| Sponsor, etc.   | Last Name/Organization | First Name Mi |
|-----------------|------------------------|---------------|
| Requester       | McNutt                 | Walter        |
| Drafter         | Sternberg              | Doug          |
| Primary Sponsor | McNutt                 | Walter        |

**Subjects**

| Description | Revenue/Approp. Vote Majority Req. | Subject Code |
|-------------|------------------------------------|--------------|
|-------------|------------------------------------|--------------|

Fish and Wildlife

Simple

FISH

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## Additional Bill Information

**Fiscal Note Probable:** Yes**Preintroduction Required:** N**Session Law Ch. Number:** 216**DEADLINE****Category:** General Bills**Transmittal Date:** 02/23/2001**Return (with 2nd house amendments) Date:** 03/31/2001

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## Section Effective Dates

**Section(s)** **Effective Date** **Date Qualified**

All Sections 01-MAR-02

SENATE BILL NO. 285  
INTRODUCED BY W. MCNUTT

A BILL FOR AN ACT ENTITLED: "AN ACT MODIFYING FUNDING OF THE HUNTER MANAGEMENT AND HUNTING ACCESS ENHANCEMENT PROGRAMS BY CREATING RESIDENT AND NONRESIDENT WILDLIFE CONSERVATION HUNTING ACCESS ENHANCEMENT FEES, TO BE USED BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO ENCOURAGE ENHANCED HUNTING ACCESS TO PRIVATE AND PUBLIC LANDS; PROVIDING THAT THE HUNTING ACCESS ENHANCEMENT FEE IS CHARGEABLE ONLY ONCE EACH LICENSE YEAR; INCREASING FROM \$8,000 TO \$12,000 THE INCENTIVE AMOUNT THAT MAY BE PAID TO LANDOWNERS PARTICIPATING IN THE HUNTER MANAGEMENT PROGRAM OR HUNTING ACCESS ENHANCEMENT PROGRAM; AMENDING SECTIONS 87-1-265, 87-1-267, 87-1-270, 87-2-202, 87-2-505, 87-2-510, AND 87-2-711, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE AND A TERMINATION DATE."

WHEREAS, the Private Land/Public Wildlife Advisory Council is charged with the responsibility to make suggestions for funding, modification, or improvement of the hunting access enhancement program; and

WHEREAS, although the hunting access enhancement program has enjoyed considerable success to date in providing greater opportunities for Montana hunters, the Private Land/Public Wildlife Advisory Council recognizes the potential to increase hunting access through expansion of the program; and

WHEREAS, increasing the size of the current program through a once-a-season hunting access enhancement fee on resident and most nonresident hunters would provide revenue to allow greater landowner incentives, improve hunting access to private and public lands, improve program management and services, increase upland bird hunting opportunities, and provide for future increased program costs because of inflation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 87-1-265, MCA, is amended to read:

**"87-1-265. (Temporary) Hunter management and hunting access enhancement programs created -- private landowner assistance to promote public hunting access -- rules.** (1) The department may establish within the block management program established by administrative rule pursuant to authority contained in 87-1-301 and 87-1-303 programs of landowner assistance that encourage public access to private and public

lands for purposes of hunting and may adopt rules to carry out program purposes. Rules may address but are not limited to incentives provided under:

(a) a hunter management program as set out in 87-1-266, consisting of a cooperative agreement between a landowner and the department and including other resource management agencies when appropriate, that allows public hunting with certain restrictions or use rules; and

(b) a hunting access enhancement program as set out in 87-1-267, consisting of incentives for private landowners who allow public hunting access on their lands.

(2) The department may also develop similar efforts outside the scope of the block management program that are designed to promote public access to private lands for hunting purposes.

(3) Participation in a program established under subsection (1) is voluntary. Programs may not be structured in a manner that provides assistance to a private landowner who charges a fee for hunting access to private land that is enrolled in the program or who does not provide reasonable public hunting access to private land that is enrolled in the program. The commission shall develop criteria by which tangible benefits are allocated to participating landowners, and the department may distribute the benefits to participating landowners. The department may by rule limit the number of licenses that can be provided as incentives. (Terminates March 1, 2006--sec. 6, Ch. 544, L. 1999.)"

**Section 2.** Section 87-1-267, MCA, is amended to read:

**"87-1-267. (Temporary) Hunting access enhancement program -- benefits for providing hunting access -- cooperative agreement -- factors for determining benefits earned -- restriction on landowner liability.** (1) As provided in 87-1-265, the department may establish and administer a voluntary program to enhance the block management program, to be known as the hunting access enhancement program. The program must be designed to provide tangible benefits to participating private landowners who grant access to their land for public hunting.

(2) Land is not eligible for inclusion in the hunting access enhancement program if outfitting or commercial hunting restricts public hunting opportunities.

(3) A contract for participation in the hunting access enhancement program is established through a cooperative agreement between the landowner and the department that will guarantee reasonable access for public hunting. Landowners may also form a voluntary association when development of a unified cooperative agreement is advantageous. A cooperative agreement must contain a detailed description of the plan developed by the landowner and the department and may include but is not limited to:

- (a) hunting access management;
- (b) services to be provided to the public;
- (c) ranch rules and other restrictions; and
- (d) any other management information to be gathered, which must be made available to the public.

(4) If the department determines that the plan referred to in subsection (3) may adversely influence game management decisions or wildlife habitat on public lands outside the block management area, then other public land agencies, interested sportspersons, and affected landowners must be consulted. An affected landowner's management goals and personal observations regarding game populations and habitat use must be considered in developing the plan.

(5) The commission shall develop rules for determining tangible benefits to be provided to a landowner for providing public hunting access. Benefits will be provided to offset potential impacts associated with public hunting access, including but not limited to those associated with general ranch maintenance, conservation efforts, weed control, fire protection, liability insurance, roads, fences, and parking area maintenance. Factors used in determining benefits may include but are not limited to:

- (a) the number of days of public hunting provided by a participating landowner;
- (b) wildlife habitat provided;
- (c) resident game populations;
- (d) number, sex, and species of animals taken; and
- (e) access provided to adjacent public lands.

(6) Benefits earned by a landowner under this section may be applied in, but application is not limited to, the following manner:

(a) A landowner may direct weed control payments to be made directly to the county weed control board or may elect to receive payments directly.

(b) A landowner may direct fire protection payments to be made to the local fire district or the county where the landowner resides or may elect to receive payments directly.

(c) A landowner may receive direct payment to offset insurance costs incurred for allowing public hunting access.

(d) The department may provide assistance in the construction and maintenance of roads, gates, and parking facilities and in the signing of property.

(7) The commission may provide a total of not more than ~~\$8,000~~ \$12,000 a year to a landowner who participates in the hunter management program or hunting access enhancement program, or both, subject to the

conditions set out in 87-1-266(4).

(8) The restriction on liability of a landowner, agent, or tenant that is provided under 70-16-302(1) applies to a landowner who participates in the hunting access enhancement program. (Terminates March 1, 2006--sec. 6, Ch. 544, L. 1999.)"

**Section 3.** Section 87-1-270, MCA, is amended to read:

**"87-1-270. (Temporary) Allocation of license fee fees to hunting access enhancement program.**

(1) The amount of \$55 from the sale of each Class B-1 nonresident upland game bird license must be used by the department to encourage public access to private lands for hunting purposes in accordance with 87-1-265 through 87-1-267.

(2) The resident hunting access enhancement fee in 87-2-202(3)(c) and the nonresident hunting access enhancement fee in 87-2-202(3)(d) must be used by the department to encourage public access to private and public lands for hunting purposes in accordance with 87-1-265 through 87-1-267. (Terminates March 1, 2006--sec. 8, Ch. 544, L. 1999.)"

**Section 4.** Section 87-2-202, MCA, is amended to read:

**"87-2-202. Application -- fee -- expiration.** (1) A wildlife conservation license must be sold upon written application. The application must contain the applicant's name, age, social security number, occupation, street address of permanent residence, mailing address, qualifying length of time as a resident in the state of Montana, and status as a citizen of the United States or as an alien and must be signed by the applicant. The applicant shall present a valid Montana driver's license, a Montana driver's examiner's identification card, or other identification specified by the department to substantiate the required information when applying for a wildlife conservation license. It is the applicant's burden to provide documentation establishing the applicant's identity and qualifications to purchase a wildlife conservation license. It is unlawful and a misdemeanor for a license agent to sell a wildlife conservation license to an applicant who fails to produce the required identification at the time of application for licensure.

(2) Hunting, fishing, or trapping licenses issued in a form determined by the department must be recorded according to rules that the department may prescribe.

(3) (a) Resident wildlife conservation licenses may be purchased for a fee of \$4.

(b) Nonresident wildlife conservation licenses may be purchased for a fee of \$5.

(c) In addition to the fee in subsection (3)(a), the first time in any license year that a resident uses the

wildlife conservation license as a prerequisite to purchase a hunting license, an additional hunting access enhancement fee of \$2 is assessed. The additional fee may be used by the department only to encourage enhanced hunting access through the hunter management and hunting access enhancement programs established in 87-1-265 through 87-1-267. The wildlife conservation license must be marked appropriately when the hunting access enhancement fee is paid. The resident hunting access enhancement fee is chargeable only once during any license year.

(d) In addition to the fee in subsection (3)(b), the first time in any license year that a nonresident uses the wildlife conservation license as a prerequisite to purchase a hunting license, except a variably priced outfitter-sponsored Class B-10 or Class B-11 license issued under 87-1-268, an additional hunting access enhancement fee of \$10 is assessed. The additional fee may be used by the department only to encourage enhanced hunting access through the hunter management and hunting access enhancement programs established in 87-1-265 through 87-1-267. The wildlife conservation license must be marked appropriately when the hunting access enhancement fee is paid. The nonresident hunting access enhancement fee is chargeable only once during any license year.

(4) Licenses issued are void after the last day of February next succeeding their issuance.

(5) The department shall keep the applicant's social security number confidential, except that the number may be provided to the department of public health and human services for use in administering Title IV-D of the Social Security Act.

(6) The department shall delete the applicant's social security number in any electronic database 5 years after the date that application is made for the most recent license."

**Section 5.** Section 87-2-505, MCA, is amended to read:

**"87-2-505. (Temporary) Class B-10--nonresident big game combination license.** (1) Except as otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who is 12 years of age or older or who will turn 12 years old before or during the season for which the license is issued may, upon payment of the fee of \$475 plus the nonresident hunting access enhancement fee in 87-2-202(3)(d), or upon payment of the fee established as provided in 87-1-268 if the license is one of the licenses reserved pursuant to 87-2-511 for applicants indicating their intent to use the services of a licensed outfitter and subject to the limitations prescribed by law and department regulation, apply to the fish and game office, Helena, Montana, to purchase a B-10 nonresident big game combination license that entitles a holder who is 12 years of age or older to all the privileges of Class B, Class B-1, and Class B-7 licenses and an elk tag. This license includes the



nonresident conservation license as prescribed in 87-2-202. Not more than 11,500 unreserved Class B-10 licenses may be sold in any 1 license year.

(2) A person who is not a resident, as defined in 87-2-102, who is unsuccessful in the Class B-10 big game combination license drawing may pay a fee of \$25 to participate in a preference system for deer and elk permits established by the commission. (Terminates March 1, 2006--secs. 1, 2, Ch. 241, L. 1993; sec. 6, Ch. 544, L. 1999.)

**87-2-505. (Effective March 1, 2006) Class B-10--nonresident big game combination license.** (1) Except as otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who is 12 years of age or older or who will turn 12 years old before or during the season for which the license is issued may, upon payment of the fee of \$398 or upon payment of the fee of \$408 if the license is one of the 5,600 licenses reserved pursuant to 87-2-511 for applicants indicating their intent to use the services of a licensed outfitter and subject to the limitations prescribed by law and department regulation, apply to the fish and game office, Helena, Montana, to purchase a B-10 nonresident big game combination license which shall entitle a holder who is 12 years of age or older to all the privileges of Class B, Class B-1, and Class B-7 licenses, and an elk tag. This license includes the nonresident conservation license as prescribed in 87-2-202. Not more than 17,000 Class B-10 licenses may be sold in any one license year.

(2) A person who is not a resident, as defined in 87-2-102, who is unsuccessful in the Class B-10 big game combination license drawing may pay a fee of \$25 to participate in a preference system for deer and elk permits established by the commission."

**Section 6.** Section 87-2-510, MCA, is amended to read:

**"87-2-510. (Temporary) Class B-11--nonresident deer combination license.** (1) Except as otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who is 12 years of age or older or who will turn 12 years old before or during the season for which the license is issued may, upon payment of a fee of \$245 plus the nonresident hunting access enhancement fee in 87-2-202(3)(d), or upon payment of the fee established as provided in 87-1-268 if the license is one of those reserved pursuant to 87-2-511 for applicants indicating their intent to use the services of a licensed outfitter, or upon payment of the fee of \$250 plus the nonresident hunting access enhancement fee in 87-2-202(3)(d), if the license is one of those reserved pursuant to 87-2-511 for applicants indicating their intent to hunt with a resident sponsor on land owned by that sponsor and subject to the limitations prescribed by law and department regulation, apply to the fish and game office, Helena, Montana, to purchase a Class B-11 nonresident deer combination license that entitles a holder who is

12 years of age or older to all the privileges of the Class B, Class B-1, and Class B-7 licenses. This license includes the nonresident wildlife conservation license as prescribed in 87-2-202.

(2) Not more than 2,300 unreserved Class B-11 licenses may be sold in any 1 license year.

(3) A person who is not a resident, as defined in 87-2-102, who is unsuccessful in the Class B-11 deer combination license drawing may pay a fee of \$25 to participate in a preference system for deer and elk permits established by the commission. (Terminates March 1, 2006--secs. 1, 2, Ch. 241, L. 1993; sec. 6, Ch. 544, L. 1999.)

**87-2-510. (Effective March 1, 2006) Class B-11--nonresident deer combination license.** (1) Except as otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who is 12 years of age or older or who will turn 12 years old before or during the season for which the license is issued may, upon payment of a fee of \$220 or upon payment of the fee of \$225 if the license is one of the 4,000 reserved pursuant to 87-2-511 for applicants indicating their intent either to use the services of a licensed outfitter or to hunt with a resident sponsor on land owned by that sponsor and subject to the limitations prescribed by law and department regulation, apply to the fish and game office, Helena, Montana, to purchase a Class B-11 nonresident deer combination license that entitles a holder who is 12 years of age or older to all the privileges of the Class B, Class B-1, and Class B-7 licenses. This license includes the nonresident wildlife conservation license as prescribed in 87-2-202.

(2) Six thousand Class B-11 licenses are authorized for sale each license year.

(3) A person who is not a resident, as defined in 87-2-102, who is unsuccessful in the Class B-11 deer combination license drawing may pay a fee of \$25 to participate in a preference system for deer and elk permits established by the commission."

**Section 7.** Section 87-2-711, MCA, is amended to read:

**"87-2-711. Class AAA--combination sports license.** (1) A resident, as defined by 87-2-102, who is 12 years of age or older or who will turn 12 years old before or during the season for which the license is issued is entitled to:

(a) upon payment of the sum of \$54, plus the resident hunting access enhancement fee in 87-2-202(3)(c), a combination sports license that permits a holder who is 12 years of age or older to exercise all rights granted to holders of Class A, A-1, A-3, A-5, and resident conservation licenses as prescribed in 87-2-202; or

(b) upon payment of the sum of \$64, plus the resident hunting access enhancement fee in

87-2-202(3)(c), a combination sports license that permits a holder who is 12 years of age or older to exercise all rights granted in subsection (1)(a) and the additional rights granted to holders of a Class A-6 license.

(2) The department may furnish each holder of a combination sports license an appropriate decal."

NEW SECTION. **Section 8. Effective date.** [This act] is effective March 1, 2002.

NEW SECTION. **Section 9. Termination.** [This act] terminates March 1, 2006.

- END -

## SENATE BILL NO. 285

INTRODUCED BY W. MCNUTT, P. CLARK

A BILL FOR AN ACT ENTITLED: "AN ACT MODIFYING FUNDING OF THE HUNTER MANAGEMENT AND HUNTING ACCESS ENHANCEMENT PROGRAMS BY CREATING RESIDENT AND NONRESIDENT WILDLIFE CONSERVATION HUNTING ACCESS ENHANCEMENT FEES, TO BE USED BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO ENCOURAGE ENHANCED HUNTING ACCESS TO PRIVATE AND PUBLIC LANDS THROUGH VOLUNTARY PROGRAMS; PROVIDING THAT THE HUNTING ACCESS ENHANCEMENT FEE IS CHARGEABLE ONLY ONCE EACH LICENSE YEAR; INCREASING FROM \$8,000 TO \$12,000 THE INCENTIVE AMOUNT THAT MAY BE PAID TO LANDOWNERS PARTICIPATING IN THE HUNTER MANAGEMENT PROGRAM OR HUNTING ACCESS ENHANCEMENT PROGRAM; AMENDING SECTIONS 87-1-265, 87-1-267, 87-1-270, 87-2-202, 87-2-505, 87-2-510, AND 87-2-711, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE AND A TERMINATION DATE."

WHEREAS, the Private Land/Public Wildlife Advisory Council is charged with the responsibility to make suggestions for funding, modification, or improvement of the hunting access enhancement program; and

WHEREAS, although the hunting access enhancement program has enjoyed considerable success to date in providing greater opportunities for Montana hunters, the Private Land/Public Wildlife Advisory Council recognizes the potential to increase hunting access through expansion of the program; and

WHEREAS, increasing the size of the current program through a once-a-season hunting access enhancement fee on resident and most nonresident hunters would provide revenue to allow greater landowner incentives, improve hunting access to private and public lands, improve program management and services, increase upland bird hunting opportunities, and provide for future increased program costs because of inflation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 87-1-265, MCA, is amended to read:

**"87-1-265. (Temporary) Hunter management and hunting access enhancement programs created -- private landowner assistance to promote public hunting access -- rules.** (1) The department may establish within the block management program established by administrative rule pursuant to authority contained in 87-1-301 and 87-1-303 programs of landowner assistance that encourage public access to private and public

lands for purposes of hunting and may adopt rules to carry out program purposes. Rules may address but are not limited to incentives provided under:

(a) a hunter management program as set out in 87-1-266, consisting of a cooperative agreement between a landowner and the department and including other resource management agencies when appropriate, that allows public hunting with certain restrictions or use rules; and

(b) a hunting access enhancement program as set out in 87-1-267, consisting of incentives for private landowners who allow public hunting access on their lands.

(2) The department may also develop similar efforts outside the scope of the block management program that are designed to promote public access to private lands for hunting purposes.

(3) Participation in a program established under ~~subsection (1)~~ THIS SECTION is voluntary. A LEASE, ACQUISITION, OR OTHER ARRANGEMENT FOR PUBLIC ACCESS ACROSS PRIVATE PROPERTY THAT IS INITIATED THROUGH A PROGRAM ESTABLISHED UNDER THIS PART MUST BE NEGOTIATED ON A COOPERATIVE BASIS AND MAY ONLY BE INITIATED WITH THE VOLUNTARY PARTICIPATION OF PRIVATE LANDOWNERS.

(4) Programs may not be structured in a manner that provides assistance to a private landowner who charges a fee for hunting access to private land that is enrolled in the program or who does not provide reasonable public hunting access to private land that is enrolled in the program. The commission shall develop criteria by which tangible benefits are allocated to participating landowners, and the department may distribute the benefits to participating landowners. The department may by rule limit the number of licenses that can be provided as incentives. (Terminates March 1, 2006--sec. 6, Ch. 544, L. 1999.)"

**Section 2.** Section 87-1-267, MCA, is amended to read:

**"87-1-267. (Temporary) Hunting access enhancement program -- benefits for providing hunting access -- cooperative agreement -- factors for determining benefits earned -- restriction on landowner liability.** (1) As provided in 87-1-265, the department may establish and administer a voluntary program to enhance the block management program, to be known as the hunting access enhancement program. The program must be designed to provide tangible benefits to participating private landowners who grant access to their land for public hunting.

(2) Land is not eligible for inclusion in the hunting access enhancement program if outfitting or commercial hunting restricts public hunting opportunities.

(3) A contract for participation in the hunting access enhancement program is established through a cooperative agreement between the landowner and the department that will guarantee reasonable access for

public hunting. Landowners may also form a voluntary association when development of a unified cooperative agreement is advantageous. A cooperative agreement must contain a detailed description of the plan developed by the landowner and the department and may include but is not limited to:

- (a) hunting access management;
- (b) services to be provided to the public;
- (c) ranch rules and other restrictions; and
- (d) any other management information to be gathered, which must be made available to the public.

(4) If the department determines that the plan referred to in subsection (3) may adversely influence game management decisions or wildlife habitat on public lands outside the block management area, then other public land agencies, interested sportspersons, and affected landowners must be consulted. An affected landowner's management goals and personal observations regarding game populations and habitat use must be considered in developing the plan.

(5) The commission shall develop rules for determining tangible benefits to be provided to a landowner for providing public hunting access. Benefits will be provided to offset potential impacts associated with public hunting access, including but not limited to those associated with general ranch maintenance, conservation efforts, weed control, fire protection, liability insurance, roads, fences, and parking area maintenance. Factors used in determining benefits may include but are not limited to:

- (a) the number of days of public hunting provided by a participating landowner;
- (b) wildlife habitat provided;
- (c) resident game populations;
- (d) number, sex, and species of animals taken; and
- (e) access provided to adjacent public lands.

(6) Benefits earned by a landowner under this section may be applied in, but application is not limited to, the following manner:

(a) A landowner may direct weed control payments to be made directly to the county weed control board or may elect to receive payments directly.

(b) A landowner may direct fire protection payments to be made to the local fire district or the county where the landowner resides or may elect to receive payments directly.

(c) A landowner may receive direct payment to offset insurance costs incurred for allowing public hunting access.

(d) The department may provide assistance in the construction and maintenance of roads, gates, and

parking facilities and in the signing of property.

(7) The commission may provide a total of not more than ~~\$8,000~~ \$12,000 a year to a landowner who participates in the hunter management program or hunting access enhancement program, or both, subject to the conditions set out in 87-1-266(4).

(8) The restriction on liability of a landowner, agent, or tenant that is provided under 70-16-302(1) applies to a landowner who participates in the hunting access enhancement program. (Terminates March 1, 2006--sec. 6, Ch. 544, L. 1999.)"

**Section 3.** Section 87-1-270, MCA, is amended to read:

**"87-1-270. (Temporary) Allocation of license fee fees to hunting access enhancement program.**

(1) The amount of \$55 from the sale of each Class B-1 nonresident upland game bird license must be used by the department to encourage public access to private lands for hunting purposes in accordance with 87-1-265 through 87-1-267.

(2) The resident hunting access enhancement fee in 87-2-202(3)(c) and the nonresident hunting access enhancement fee in 87-2-202(3)(d) must be used by the department to encourage public access to private and public lands for hunting purposes in accordance with 87-1-265 through 87-1-267. (Terminates March 1, 2006--sec. 8, Ch. 544, L. 1999.)"

**Section 4.** Section 87-2-202, MCA, is amended to read:

**"87-2-202. Application -- fee -- expiration.** (1) A wildlife conservation license must be sold upon written application. The application must contain the applicant's name, age, social security number, occupation, street address of permanent residence, mailing address, qualifying length of time as a resident in the state of Montana, and status as a citizen of the United States or as an alien and must be signed by the applicant. The applicant shall present a valid Montana driver's license, a Montana driver's examiner's identification card, or other identification specified by the department to substantiate the required information when applying for a wildlife conservation license. It is the applicant's burden to provide documentation establishing the applicant's identity and qualifications to purchase a wildlife conservation license. It is unlawful and a misdemeanor for a license agent to sell a wildlife conservation license to an applicant who fails to produce the required identification at the time of application for licensure.

(2) Hunting, fishing, or trapping licenses issued in a form determined by the department must be recorded according to rules that the department may prescribe.

(3) (a) Resident wildlife conservation licenses may be purchased for a fee of \$4.

(b) Nonresident wildlife conservation licenses may be purchased for a fee of \$5.

(c) In addition to the fee in subsection (3)(a), the first time in any license year that a resident uses the wildlife conservation license as a prerequisite to purchase a hunting license, an additional hunting access enhancement fee of \$2 is assessed. The additional fee may be used by the department only to encourage enhanced hunting access through the hunter management and hunting access enhancement programs established in 87-1-265 through 87-1-267. The wildlife conservation license must be marked appropriately when the hunting access enhancement fee is paid. The resident hunting access enhancement fee is chargeable only once during any license year.

(d) In addition to the fee in subsection (3)(b), the first time in any license year that a nonresident uses the wildlife conservation license as a prerequisite to purchase a hunting license, except a variably priced outfitter-sponsored Class B-10 or Class B-11 license issued under 87-1-268, an additional hunting access enhancement fee of \$10 is assessed. The additional fee may be used by the department only to encourage enhanced hunting access through the hunter management and hunting access enhancement programs established in 87-1-265 through 87-1-267. The wildlife conservation license must be marked appropriately when the hunting access enhancement fee is paid. The nonresident hunting access enhancement fee is chargeable only once during any license year.

(4) Licenses issued are void after the last day of February next succeeding their issuance.

(5) The department shall keep the applicant's social security number confidential, except that the number may be provided to the department of public health and human services for use in administering Title IV-D of the Social Security Act.

(6) The department shall delete the applicant's social security number in any electronic database 5 years after the date that application is made for the most recent license."

**Section 5.** Section 87-2-505, MCA, is amended to read:

**"87-2-505. (Temporary) Class B-10--nonresident big game combination license.** (1) Except as otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who is 12 years of age or older or who will turn 12 years old before or during the season for which the license is issued may, upon payment of the fee of \$475 plus the nonresident hunting access enhancement fee in 87-2-202(3)(d), or upon payment of the fee established as provided in 87-1-268 if the license is one of the licenses reserved pursuant to 87-2-511 for applicants indicating their intent to use the services of a licensed outfitter and subject to the



limitations prescribed by law and department regulation, apply to the fish and game office, Helena, Montana, to purchase a B-10 nonresident big game combination license that entitles a holder who is 12 years of age or older to all the privileges of Class B, Class B-1, and Class B-7 licenses and an elk tag. This license includes the nonresident conservation license as prescribed in 87-2-202. Not more than 11,500 unreserved Class B-10 licenses may be sold in any 1 license year.

(2) A person who is not a resident, as defined in 87-2-102, who is unsuccessful in the Class B-10 big game combination license drawing may pay a fee of \$25 to participate in a preference system for deer and elk permits established by the commission. (Terminates March 1, 2006--secs. 1, 2, Ch. 241, L. 1993; sec. 6, Ch. 544, L. 1999.)

**87-2-505. (Effective March 1, 2006) Class B-10--nonresident big game combination license.** (1) Except as otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who is 12 years of age or older or who will turn 12 years old before or during the season for which the license is issued may, upon payment of the fee of \$398 or upon payment of the fee of \$408 if the license is one of the 5,600 licenses reserved pursuant to 87-2-511 for applicants indicating their intent to use the services of a licensed outfitter and subject to the limitations prescribed by law and department regulation, apply to the fish and game office, Helena, Montana, to purchase a B-10 nonresident big game combination license which shall entitle a holder who is 12 years of age or older to all the privileges of Class B, Class B-1, and Class B-7 licenses, and an elk tag. This license includes the nonresident conservation license as prescribed in 87-2-202. Not more than 17,000 Class B-10 licenses may be sold in any one license year.

(2) A person who is not a resident, as defined in 87-2-102, who is unsuccessful in the Class B-10 big game combination license drawing may pay a fee of \$25 to participate in a preference system for deer and elk permits established by the commission."

**Section 6.** Section 87-2-510, MCA, is amended to read:

**"87-2-510. (Temporary) Class B-11--nonresident deer combination license.** (1) Except as otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who is 12 years of age or older or who will turn 12 years old before or during the season for which the license is issued may, upon payment of a fee of \$245 plus the nonresident hunting access enhancement fee in 87-2-202(3)(d), or upon payment of the fee established as provided in 87-1-268 if the license is one of those reserved pursuant to 87-2-511 for applicants indicating their intent to use the services of a licensed outfitter, or upon payment of the fee of \$250 plus the nonresident hunting access enhancement fee in 87-2-202(3)(d), if the license is one of those reserved pursuant

to 87-2-511 for applicants indicating their intent to hunt with a resident sponsor on land owned by that sponsor and subject to the limitations prescribed by law and department regulation, apply to the fish and game office, Helena, Montana, to purchase a Class B-11 nonresident deer combination license that entitles a holder who is 12 years of age or older to all the privileges of the Class B, Class B-1, and Class B-7 licenses. This license includes the nonresident wildlife conservation license as prescribed in 87-2-202.

(2) Not more than 2,300 unreserved Class B-11 licenses may be sold in any 1 license year.

(3) A person who is not a resident, as defined in 87-2-102, who is unsuccessful in the Class B-11 deer combination license drawing may pay a fee of \$25 to participate in a preference system for deer and elk permits established by the commission. (Terminates March 1, 2006--secs. 1, 2, Ch. 241, L. 1993; sec. 6, Ch. 544, L. 1999.)

**87-2-510. (Effective March 1, 2006) Class B-11--nonresident deer combination license.** (1) Except as otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who is 12 years of age or older or who will turn 12 years old before or during the season for which the license is issued may, upon payment of a fee of \$220 or upon payment of the fee of \$225 if the license is one of the 4,000 reserved pursuant to 87-2-511 for applicants indicating their intent either to use the services of a licensed outfitter or to hunt with a resident sponsor on land owned by that sponsor and subject to the limitations prescribed by law and department regulation, apply to the fish and game office, Helena, Montana, to purchase a Class B-11 nonresident deer combination license that entitles a holder who is 12 years of age or older to all the privileges of the Class B, Class B-1, and Class B-7 licenses. This license includes the nonresident wildlife conservation license as prescribed in 87-2-202.

(2) Six thousand Class B-11 licenses are authorized for sale each license year.

(3) A person who is not a resident, as defined in 87-2-102, who is unsuccessful in the Class B-11 deer combination license drawing may pay a fee of \$25 to participate in a preference system for deer and elk permits established by the commission."

**Section 7.** Section 87-2-711, MCA, is amended to read:

**"87-2-711. Class AAA--combination sports license.** (1) A resident, as defined by 87-2-102, who is 12 years of age or older or who will turn 12 years old before or during the season for which the license is issued is entitled to:

(a) upon payment of the sum of \$54, plus the resident hunting access enhancement fee in 87-2-202(3)(c), a combination sports license that permits a holder who is 12 years of age or older to exercise all

rights granted to holders of Class A, A-1, A-3, A-5, and resident conservation licenses as prescribed in 87-2-202; or

(b) upon payment of the sum of \$64, plus the resident hunting access enhancement fee in 87-2-202(3)(c), a combination sports license that permits a holder who is 12 years of age or older to exercise all rights granted in subsection (1)(a) and the additional rights granted to holders of a Class A-6 license.

(2) The department may furnish each holder of a combination sports license an appropriate decal."

NEW SECTION. **Section 8. Effective date.** [This act] is effective March 1, 2002.

NEW SECTION. **Section 9. Termination.** [This act] terminates March 1, 2006.

- END -



AN ACT MODIFYING FUNDING OF THE HUNTER MANAGEMENT AND HUNTING ACCESS ENHANCEMENT PROGRAMS BY CREATING RESIDENT AND NONRESIDENT WILDLIFE CONSERVATION HUNTING ACCESS ENHANCEMENT FEES, TO BE USED BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO ENCOURAGE ENHANCED HUNTING ACCESS TO PRIVATE AND PUBLIC LANDS THROUGH VOLUNTARY PROGRAMS; PROVIDING THAT THE HUNTING ACCESS ENHANCEMENT FEE IS CHARGEABLE ONLY ONCE EACH LICENSE YEAR; INCREASING FROM \$8,000 TO \$12,000 THE INCENTIVE AMOUNT THAT MAY BE PAID TO LANDOWNERS PARTICIPATING IN THE HUNTER MANAGEMENT PROGRAM OR HUNTING ACCESS ENHANCEMENT PROGRAM; AMENDING SECTIONS 87-1-265, 87-1-267, 87-1-270, 87-2-202, 87-2-505, 87-2-510, AND 87-2-711, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE AND A TERMINATION DATE.

WHEREAS, the Private Land/Public Wildlife Advisory Council is charged with the responsibility to make suggestions for funding, modification, or improvement of the hunting access enhancement program; and

WHEREAS, although the hunting access enhancement program has enjoyed considerable success to date in providing greater opportunities for Montana hunters, the Private Land/Public Wildlife Advisory Council recognizes the potential to increase hunting access through expansion of the program; and

WHEREAS, increasing the size of the current program through a once-a-season hunting access enhancement fee on resident and most nonresident hunters would provide revenue to allow greater landowner incentives, improve hunting access to private and public lands, improve program management and services, increase upland bird hunting opportunities, and provide for future increased program costs because of inflation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 87-1-265, MCA, is amended to read:

**"87-1-265. (Temporary) Hunter management and hunting access enhancement programs created -- private landowner assistance to promote public hunting access -- rules.** (1) The department may establish within the block management program established by administrative rule pursuant to authority contained in 87-1-301 and 87-1-303 programs of landowner assistance that encourage public access to private and public

lands for purposes of hunting and may adopt rules to carry out program purposes. Rules may address but are not limited to incentives provided under:

(a) a hunter management program as set out in 87-1-266, consisting of a cooperative agreement between a landowner and the department and including other resource management agencies when appropriate, that allows public hunting with certain restrictions or use rules; and

(b) a hunting access enhancement program as set out in 87-1-267, consisting of incentives for private landowners who allow public hunting access on their lands.

(2) The department may also develop similar efforts outside the scope of the block management program that are designed to promote public access to private lands for hunting purposes.

(3) Participation in a program established under ~~subsection (1)~~ this section is voluntary. A lease, acquisition, or other arrangement for public access across private property that is initiated through a program established under this part must be negotiated on a cooperative basis and may only be initiated with the voluntary participation of private landowners.

(4) Programs may not be structured in a manner that provides assistance to a private landowner who charges a fee for hunting access to private land that is enrolled in the program or who does not provide reasonable public hunting access to private land that is enrolled in the program. The commission shall develop criteria by which tangible benefits are allocated to participating landowners, and the department may distribute the benefits to participating landowners. The department may by rule limit the number of licenses that can be provided as incentives. (Terminates March 1, 2006--sec. 6, Ch. 544, L. 1999.)"

**Section 2.** Section 87-1-267, MCA, is amended to read:

**"87-1-267. (Temporary) Hunting access enhancement program -- benefits for providing hunting access -- cooperative agreement -- factors for determining benefits earned -- restriction on landowner liability.** (1) As provided in 87-1-265, the department may establish and administer a voluntary program to enhance the block management program, to be known as the hunting access enhancement program. The program must be designed to provide tangible benefits to participating private landowners who grant access to their land for public hunting.

(2) Land is not eligible for inclusion in the hunting access enhancement program if outfitting or commercial hunting restricts public hunting opportunities.

(3) A contract for participation in the hunting access enhancement program is established through a

cooperative agreement between the landowner and the department that will guarantee reasonable access for public hunting. Landowners may also form a voluntary association when development of a unified cooperative agreement is advantageous. A cooperative agreement must contain a detailed description of the plan developed by the landowner and the department and may include but is not limited to:

- (a) hunting access management;
- (b) services to be provided to the public;
- (c) ranch rules and other restrictions; and
- (d) any other management information to be gathered, which must be made available to the public.

(4) If the department determines that the plan referred to in subsection (3) may adversely influence game management decisions or wildlife habitat on public lands outside the block management area, then other public land agencies, interested sportspersons, and affected landowners must be consulted. An affected landowner's management goals and personal observations regarding game populations and habitat use must be considered in developing the plan.

(5) The commission shall develop rules for determining tangible benefits to be provided to a landowner for providing public hunting access. Benefits will be provided to offset potential impacts associated with public hunting access, including but not limited to those associated with general ranch maintenance, conservation efforts, weed control, fire protection, liability insurance, roads, fences, and parking area maintenance. Factors used in determining benefits may include but are not limited to:

- (a) the number of days of public hunting provided by a participating landowner;
- (b) wildlife habitat provided;
- (c) resident game populations;
- (d) number, sex, and species of animals taken; and
- (e) access provided to adjacent public lands.

(6) Benefits earned by a landowner under this section may be applied in, but application is not limited to, the following manner:

(a) A landowner may direct weed control payments to be made directly to the county weed control board or may elect to receive payments directly.

(b) A landowner may direct fire protection payments to be made to the local fire district or the county where the landowner resides or may elect to receive payments directly.

(c) A landowner may receive direct payment to offset insurance costs incurred for allowing public hunting

access.

(d) The department may provide assistance in the construction and maintenance of roads, gates, and parking facilities and in the signing of property.

(7) The commission may provide a total of not more than ~~\$8,000~~ \$12,000 a year to a landowner who participates in the hunter management program or hunting access enhancement program, or both, subject to the conditions set out in 87-1-266(4).

(8) The restriction on liability of a landowner, agent, or tenant that is provided under 70-16-302(1) applies to a landowner who participates in the hunting access enhancement program. (Terminates March 1, 2006--sec. 6, Ch. 544, L. 1999.)"

**Section 3.** Section 87-1-270, MCA, is amended to read:

**"87-1-270. (Temporary) Allocation of license fee fees to hunting access enhancement program.**

(1) The amount of \$55 from the sale of each Class B-1 nonresident upland game bird license must be used by the department to encourage public access to private lands for hunting purposes in accordance with 87-1-265 through 87-1-267.

(2) The resident hunting access enhancement fee in 87-2-202(3)(c) and the nonresident hunting access enhancement fee in 87-2-202(3)(d) must be used by the department to encourage public access to private and public lands for hunting purposes in accordance with 87-1-265 through 87-1-267. (Terminates March 1, 2006--sec. 8, Ch. 544, L. 1999.)"

**Section 4.** Section 87-2-202, MCA, is amended to read:

**"87-2-202. Application -- fee -- expiration.** (1) A wildlife conservation license must be sold upon written application. The application must contain the applicant's name, age, social security number, occupation, street address of permanent residence, mailing address, qualifying length of time as a resident in the state of Montana, and status as a citizen of the United States or as an alien and must be signed by the applicant. The applicant shall present a valid Montana driver's license, a Montana driver's examiner's identification card, or other identification specified by the department to substantiate the required information when applying for a wildlife conservation license. It is the applicant's burden to provide documentation establishing the applicant's identity and qualifications to purchase a wildlife conservation license. It is unlawful and a misdemeanor for a license agent to sell a wildlife conservation license to an applicant who fails to produce the required identification at the time

of application for licensure.

(2) Hunting, fishing, or trapping licenses issued in a form determined by the department must be recorded according to rules that the department may prescribe.

(3) (a) Resident wildlife conservation licenses may be purchased for a fee of \$4.

(b) Nonresident wildlife conservation licenses may be purchased for a fee of \$5.

(c) In addition to the fee in subsection (3)(a), the first time in any license year that a resident uses the wildlife conservation license as a prerequisite to purchase a hunting license, an additional hunting access enhancement fee of \$2 is assessed. The additional fee may be used by the department only to encourage enhanced hunting access through the hunter management and hunting access enhancement programs established in 87-1-265 through 87-1-267. The wildlife conservation license must be marked appropriately when the hunting access enhancement fee is paid. The resident hunting access enhancement fee is chargeable only once during any license year.

(d) In addition to the fee in subsection (3)(b), the first time in any license year that a nonresident uses the wildlife conservation license as a prerequisite to purchase a hunting license, except a variably priced outfitter-sponsored Class B-10 or Class B-11 license issued under 87-1-268, an additional hunting access enhancement fee of \$10 is assessed. The additional fee may be used by the department only to encourage enhanced hunting access through the hunter management and hunting access enhancement programs established in 87-1-265 through 87-1-267. The wildlife conservation license must be marked appropriately when the hunting access enhancement fee is paid. The nonresident hunting access enhancement fee is chargeable only once during any license year.

(4) Licenses issued are void after the last day of February next succeeding their issuance.

(5) The department shall keep the applicant's social security number confidential, except that the number may be provided to the department of public health and human services for use in administering Title IV-D of the Social Security Act.

(6) The department shall delete the applicant's social security number in any electronic database 5 years after the date that application is made for the most recent license."

**Section 5.** Section 87-2-505, MCA, is amended to read:

**"87-2-505. (Temporary) Class B-10--nonresident big game combination license.** (1) Except as otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who is 12 years



of age or older or who will turn 12 years old before or during the season for which the license is issued may, upon payment of the fee of \$475 plus the nonresident hunting access enhancement fee in 87-2-202(3)(d), or upon payment of the fee established as provided in 87-1-268 if the license is one of the licenses reserved pursuant to 87-2-511 for applicants indicating their intent to use the services of a licensed outfitter and subject to the limitations prescribed by law and department regulation, apply to the fish and game office, Helena, Montana, to purchase a B-10 nonresident big game combination license that entitles a holder who is 12 years of age or older to all the privileges of Class B, Class B-1, and Class B-7 licenses and an elk tag. This license includes the nonresident conservation license as prescribed in 87-2-202. Not more than 11,500 unreserved Class B-10 licenses may be sold in any 1 license year.

(2) A person who is not a resident, as defined in 87-2-102, who is unsuccessful in the Class B-10 big game combination license drawing may pay a fee of \$25 to participate in a preference system for deer and elk permits established by the commission. (Terminates March 1, 2006--secs. 1, 2, Ch. 241, L. 1993; sec. 6, Ch. 544, L. 1999.)

**87-2-505. (Effective March 1, 2006) Class B-10--nonresident big game combination license.** (1) Except as otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who is 12 years of age or older or who will turn 12 years old before or during the season for which the license is issued may, upon payment of the fee of \$398 or upon payment of the fee of \$408 if the license is one of the 5,600 licenses reserved pursuant to 87-2-511 for applicants indicating their intent to use the services of a licensed outfitter and subject to the limitations prescribed by law and department regulation, apply to the fish and game office, Helena, Montana, to purchase a B-10 nonresident big game combination license which shall entitle a holder who is 12 years of age or older to all the privileges of Class B, Class B-1, and Class B-7 licenses, and an elk tag. This license includes the nonresident conservation license as prescribed in 87-2-202. Not more than 17,000 Class B-10 licenses may be sold in any one license year.

(2) A person who is not a resident, as defined in 87-2-102, who is unsuccessful in the Class B-10 big game combination license drawing may pay a fee of \$25 to participate in a preference system for deer and elk permits established by the commission."

**Section 6.** Section 87-2-510, MCA, is amended to read:

**"87-2-510. (Temporary) Class B-11--nonresident deer combination license.** (1) Except as otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who is 12 years of age or

older or who will turn 12 years old before or during the season for which the license is issued may, upon payment of a fee of \$245 plus the nonresident hunting access enhancement fee in 87-2-202(3)(d), or upon payment of the fee established as provided in 87-1-268 if the license is one of those reserved pursuant to 87-2-511 for applicants indicating their intent to use the services of a licensed outfitter, or upon payment of the fee of \$250 plus the nonresident hunting access enhancement fee in 87-2-202(3)(d), if the license is one of those reserved pursuant to 87-2-511 for applicants indicating their intent to hunt with a resident sponsor on land owned by that sponsor and subject to the limitations prescribed by law and department regulation, apply to the fish and game office, Helena, Montana, to purchase a Class B-11 nonresident deer combination license that entitles a holder who is 12 years of age or older to all the privileges of the Class B, Class B-1, and Class B-7 licenses. This license includes the nonresident wildlife conservation license as prescribed in 87-2-202.

(2) Not more than 2,300 unreserved Class B-11 licenses may be sold in any 1 license year.

(3) A person who is not a resident, as defined in 87-2-102, who is unsuccessful in the Class B-11 deer combination license drawing may pay a fee of \$25 to participate in a preference system for deer and elk permits established by the commission. (Terminates March 1, 2006--secs. 1, 2, Ch. 241, L. 1993; sec. 6, Ch. 544, L. 1999.)

**87-2-510. (Effective March 1, 2006) Class B-11--nonresident deer combination license.** (1) Except as otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who is 12 years of age or older or who will turn 12 years old before or during the season for which the license is issued may, upon payment of a fee of \$220 or upon payment of the fee of \$225 if the license is one of the 4,000 reserved pursuant to 87-2-511 for applicants indicating their intent either to use the services of a licensed outfitter or to hunt with a resident sponsor on land owned by that sponsor and subject to the limitations prescribed by law and department regulation, apply to the fish and game office, Helena, Montana, to purchase a Class B-11 nonresident deer combination license that entitles a holder who is 12 years of age or older to all the privileges of the Class B, Class B-1, and Class B-7 licenses. This license includes the nonresident wildlife conservation license as prescribed in 87-2-202.

(2) Six thousand Class B-11 licenses are authorized for sale each license year.

(3) A person who is not a resident, as defined in 87-2-102, who is unsuccessful in the Class B-11 deer combination license drawing may pay a fee of \$25 to participate in a preference system for deer and elk permits established by the commission."

**Section 7.** Section 87-2-711, MCA, is amended to read:

**"87-2-711. Class AAA--combination sports license.** (1) A resident, as defined by 87-2-102, who is 12 years of age or older or who will turn 12 years old before or during the season for which the license is issued is entitled to:

(a) upon payment of the sum of \$54, plus the resident hunting access enhancement fee in 87-2-202(3)(c), a combination sports license that permits a holder who is 12 years of age or older to exercise all rights granted to holders of Class A, A-1, A-3, A-5, and resident conservation licenses as prescribed in 87-2-202; or

(b) upon payment of the sum of \$64, plus the resident hunting access enhancement fee in 87-2-202(3)(c), a combination sports license that permits a holder who is 12 years of age or older to exercise all rights granted in subsection (1)(a) and the additional rights granted to holders of a Class A-6 license.

(2) The department may furnish each holder of a combination sports license an appropriate decal."

**Section 8. Effective date.** [This act] is effective March 1, 2002.

**Section 9. Termination.** [This act] terminates March 1, 2006.

- END -

I hereby certify that the within bill,  
SB 0285, originated in the Senate.

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Secretary of the Senate

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President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2019.

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Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2019.

SENATE BILL NO. 285

INTRODUCED BY W. MCNUTT, P. CLARK

AN ACT MODIFYING FUNDING OF THE HUNTER MANAGEMENT AND HUNTING ACCESS ENHANCEMENT PROGRAMS BY CREATING RESIDENT AND NONRESIDENT WILDLIFE CONSERVATION HUNTING ACCESS ENHANCEMENT FEES, TO BE USED BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO ENCOURAGE ENHANCED HUNTING ACCESS TO PRIVATE AND PUBLIC LANDS THROUGH VOLUNTARY PROGRAMS; PROVIDING THAT THE HUNTING ACCESS ENHANCEMENT FEE IS CHARGEABLE ONLY ONCE EACH LICENSE YEAR; INCREASING FROM \$8,000 TO \$12,000 THE INCENTIVE AMOUNT THAT MAY BE PAID TO LANDOWNERS PARTICIPATING IN THE HUNTER MANAGEMENT PROGRAM OR HUNTING ACCESS ENHANCEMENT PROGRAM; AMENDING SECTIONS 87-1-265, 87-1-267, 87-1-270, 87-2-202, 87-2-505, 87-2-510, AND 87-2-711, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE AND A TERMINATION DATE.

# FISCAL NOTE

**Bill #:** SB0285

**Title:** Revise conservation license laws

**Primary Sponsor:** Walter McNutt

**Status:** As Introduced

|                   |      |                                 |      |
|-------------------|------|---------------------------------|------|
| Sponsor signature | Date | Chuck Swysgood, Budget Director | Date |
|-------------------|------|---------------------------------|------|

## Fiscal Summary

|                                            | <u>FY2002<br/>Difference</u> | <u>FY2003<br/>Difference</u> |
|--------------------------------------------|------------------------------|------------------------------|
| <b>Expenditures:</b>                       |                              |                              |
| State Special Revenue                      | 0                            | 802,000                      |
| <b>Revenue:</b>                            |                              |                              |
| State Special Revenue                      | 0                            | 802,000                      |
| <b>Net Impact on General Fund Balance:</b> | <b>\$0</b>                   | <b>\$0</b>                   |

| <u>Yes</u> | <u>No</u> |                                  | <u>Yes</u> | <u>No</u> |                               |
|------------|-----------|----------------------------------|------------|-----------|-------------------------------|
|            | X         | Significant Local Gov. Impact    |            | X         | Technical Concerns            |
|            | X         | Included in the Executive Budget |            | X         | Significant Long-Term Impacts |
|            | X         | Dedicated Revenue Form Attached  |            | X         | Family Impact Form Attached   |

## Fiscal Analysis

### ASSUMPTIONS:

1. SB 285 requires that a \$2.00 hunting access enhancement fee be paid by resident hunters and a \$10.00 hunting access enhancement fee be paid by nonresident hunters effective March 1, 2002. The additional cost will result in some buyer resistance, but the Department of Fish, Wildlife and Parks does not have a way to measure that resistance.
2. Approximately 190,000 residents buy Montana hunting licenses. Of 190,000 resident hunters, approximately 50,000 qualify for youth, senior, or disabled person conservation licenses (which have, for these people only, certain hunting privileges attached). If 50 percent (25,000) of these people buy no other type of hunting license, they would not pay the proposed \$2.00 resident hunting access enhancement

fee. Based on this assumption, revenue figures for this fiscal note are generated assuming that 165,000 residents will pay the proposed fees ( $165,000 \times \$2 = \$330,000$ ).

3. Approximately 55,000 nonresidents buy Montana hunting licenses. Of these 55,000 nonresidents, 7,800 buy market-based variable-priced combination licenses and would not pay the proposed \$10.00 nonresident hunting enhancement access fee. Based on this assumption, revenue figures for this fiscal note are generated assuming that 47,200 nonresidents will pay the proposed fees ( $47,200 \times \$10 = \$472,000$ ).
4. Based on the previous assumptions, \$802,000 in new revenue will be generated by fees proposed in this bill. By statute, this revenue must be used by the department to enhance and improve public hunting access. (MCA 87-1-265 through 87-1-267)
5. The Private Land/Public Wildlife Council has recommended to the Governor and 57<sup>th</sup> Legislature that new revenue generated under this proposal be used to:
  - a) improve public access to public lands;
  - b) increase size (acres and number of cooperators) of Block Management;
  - c) improve Block Management Area management and services;
  - d) increase current Block Management Cooperator incentives cap from \$8,000 to \$12,000;
  - e) improve access for upland bird hunters;
  - f) direct some revenue for inflationary costs related to existing program;
6. FWP will require 2.00 FTE to provide necessary hunter management services on new acreage enrolled under hunter access agreements. This FTE will primarily consist of 4 to 8 seasonal field staff positions used to help mark area boundaries and public land access points, provide area patrolling services, and assist hunters. (2.00 FTE (grade 7) @ \$35,756 and \$10,000 operations)
7. For the 2000 hunting season, 52 cooperators qualified for the \$8,000 payment, with an average hunter day use of 1,081 hunter days per Block Management Area (BMA). Under the current system, all cooperators qualify for a \$250 enrollment payment; in addition, with the standard \$10/hunter day payment, a BMA with 775 hunter days ( $775 \times \$10$ ) qualifies for the maximum payment of \$8,000. If the incentive cap is raised to \$12,000, the additional contract cost would be \$159,120. ( $1,081 - 775$ )  $\times$  \$10 = \$3,060;  $\$3,060 \times 52 \text{ BMAs} = \$159,120$ ).
8. There are additional costs that will be incurred by the license section in implementing new fees, including increased mailing costs and adapting licenses to comply with SB 285. (\$15,000 annual operations)
9. Remaining dollars will be used to improve hunter access as outlined in assumption #5, i.e. adding block management cooperators, improving public access to public lands, and improving access for upland game bird hunters (\$582,124 operations).

#### FISCAL IMPACT:

|                      | FY2002<br><u>Difference</u> | FY2003<br><u>Difference</u> |
|----------------------|-----------------------------|-----------------------------|
| FTE                  | 0                           | 2.00                        |
| <u>Expenditures:</u> |                             |                             |
| Personal Services    | 0                           | 35,756                      |
| Operating Expenses   | <u>0</u>                    | <u>766,244</u>              |
| TOTAL                | \$0                         | \$802,000                   |

Fiscal Note Request, SB0285, As Introduced

Page 3

(continued)

Funding:

|                            |     |           |
|----------------------------|-----|-----------|
| State Special Revenue (02) | \$0 | \$802,000 |
|----------------------------|-----|-----------|

Revenues:

|                            |     |           |
|----------------------------|-----|-----------|
| State Special Revenue (02) | \$0 | \$802,000 |
|----------------------------|-----|-----------|

Net Impact to Fund Balance (Revenue minus Expenditure):

|                            |     |     |
|----------------------------|-----|-----|
| State Special Revenue (02) | \$0 | \$0 |
|----------------------------|-----|-----|



DATE 1/30/2001

SENATE COMMITTEE ON Fish and Game

BILLS BEING HEARD TODAY: HB 132  
SB 285

## PLEASE PRINT

| NAME                                  | PHONE    | REPRESENTING                      | BILL # | SUPPORT | OPPOSE     |
|---------------------------------------|----------|-----------------------------------|--------|---------|------------|
| Verle Rademacher                      | 547-3831 | PL/PW Council                     | 285    | X       |            |
| Dave Simpson                          | 345-4501 | PL/PW Council<br>FWP Commission   | 285    | X       |            |
| John Gibson                           | 656-0384 | Bullango Rock & Sea Club          | 285    | X       |            |
| LEE GUSTAFSON                         | 252-0205 | PL/PW COUNCIL                     | 285    | X       |            |
| Jon Fogarty                           | 373-6191 | Block management<br>Working Group | 285    | X       |            |
| Beate Gulda                           | 5657     | FWP                               | 132    | X       |            |
| Jim Kropp                             | 994-4042 | FWP                               | 132    | ✓       |            |
| Tom Hougan                            | 358-2204 | PL/PW Council                     | 285    | X       |            |
| Jeff Hagener                          | 444-3186 | FWP                               | 285    | X       |            |
| Doug Monger                           | 444-2751 | FWP                               | 132    | X       |            |
| Peg Dingenen                          | 932-5440 | MT Landowners Alliance            | 285    | X       | no comment |
| BRYAN <del>DAVE</del> <sup>Dann</sup> | 771-0691 | PL/PW                             | 285    | X       |            |
| Ken Hooper To 1                       | 443-1744 | Boat Adv. Council                 | 132    | X       |            |

## VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE 7/30/2001

SENATE COMMITTEE ON Fish and Game

BILLS BEING HEARD TODAY: HB 132

SB 285

### PLEASE PRINT

| NAME            | PHONE    | REPRESENTING        | BILL #            | SUPPORT | OPPOSE |
|-----------------|----------|---------------------|-------------------|---------|--------|
| Bill Orsello    | 445-9853 | MWF                 | 285               | X       |        |
| Bob Gilbert     | 439-1939 | Wall Eyes Unlimited | <sup>HB</sup> 132 | X       |        |
| John Bloomquist |          | Mt. Stachurs        | 285               | X       | small. |
| Jean Johnson    | 449-3578 | MOGA                | 285               | X       |        |
|                 |          |                     |                   |         |        |
|                 |          |                     |                   |         |        |
|                 |          |                     |                   |         |        |
|                 |          |                     |                   |         |        |
|                 |          |                     |                   |         |        |
|                 |          |                     |                   |         |        |
|                 |          |                     |                   |         |        |
|                 |          |                     |                   |         |        |
|                 |          |                     |                   |         |        |
|                 |          |                     |                   |         |        |

### VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

The following exhibit  
exceeds 10 pages.

Exhibit: 1  
1.30.2001  
SB:285

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**The complete exhibit is located with the  
minutes are at the  
Montana Historical Society Archives  
225 North Roberts  
Helena, Mt 59620-1202  
(406) 444-4775**

Senate Bill 285  
January 30, 2000  
Presented by Jeff Hagener  
Montana Fish, Wildlife & Parks  
For the Senate Fish and Game Committee

Mr. Chairman and members of the Committee, for the record, my name is Jeff Hagener, Director of Montana Fish, Wildlife & Parks. I rise in support of SB285.

This is the Centennial year of Montana Fish, Wildlife and Parks, and due to the efforts of many Montanans over the past 100 years, our wildlife populations are the envy of the Nation. However, gaining and maintaining public hunting access to both private and isolated public lands remains one of the Department's most difficult challenges.

The enactment of SB285 will provide opportunities to enhance public hunting access in a variety of ways. Foremost of these is expansion of Block Management, the Department's most successful program for improving public hunting access to privately-owned land. Just look at the statistics for the block management program for the 2000 hunting season: over 1,000 landowners enrolled in the program; a total of 7.8 million acres across the State; and over 300,000 hunter days of recreation. And more landowners wanted to enroll in 2000 than program funding could accommodate, with more hunters using Block Management Areas every year. Based on survey data, program evaluations, and hunter comments, the program seems to be working. To date, approximately 95% of enrolled landowners annually express an interest in re-enrolling, while preliminary data from nearly 6,000 hunter comment cards returned for the 2000 hunting season indicate that over 80 % of the Block Management Area hunters saw the game species they were hunting, over 40% bagged game, and approximately 80% rated their Block Management Area experience "positive."

The enactment of SB285 will also enhance the Department's fledgling Access Montana program, which seeks to improve legal public access to state and federally owned lands. The goals of this program are to improve legal access to public lands by developing cooperative access agreements, leases and other arrangements with willing landowners and to reduce conflict by improving boundary marking and providing better information to hunters about legal access points.

SB285 is brought to you today by the Governor's Private Land/Public Wildlife Council. It is the product of a year-and-one-half of collaborative efforts on the part of landowners, sportsmen and women, and outfitters. The Council was created in statute by the Legislature, which directed it to "report to the governor and 57<sup>th</sup> Legislature regarding the success of various elements of the hunting access enhancement program . . . and to make suggestions for funding, modification, or improvement needed to achieve the objectives of the program." (87-1-269, MCA).

While the Council drafted an initial proposal to generate an additional \$2 million for enhancing access, they modified their proposal to its current content after learning that FWP Commission

action would generate approximately \$1 million in new program revenue through 2001 fee increases to variable-priced market-based licenses.

The current PL/PW Council proposal, as stated in SB285, would generate approximately \$800,000 in additional revenue, and suggests that all hunters should help fund efforts to improve hunting access. In its report, which you all should have received, the PL/PW Council has recommended that the Department direct the additional funding toward improving access in the following ways:

- ❑ Some revenue should be directed toward improving access to public lands through marking access points and establishing access corridors to isolated public lands;
- ❑ Some revenue should be directed toward increasing the size of the current block management program by enrolling additional landowners and acreage;
- ❑ Some revenue should be directed toward improving program management by providing patrolling and hunter assistance services;
- ❑ Some funding should be directed to increasing the current landowner incentives cap from \$8,000 to \$12,000;
- ❑ Some revenue should be directed toward improving upland bird hunting access, which is in high demand statewide; and
- ❑ Some revenue should be used for increased program costs due to inflation and to produce additional informational materials.

Mr. Chairman and members of the Committee, SB285 represents a critical step toward the second Centennial, and I urge your support of this bill.

The following exhibit  
exceeds 10 pages.

Exhibit: 4  
1.30.2001  
SB:285

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**The complete exhibit is located with the  
minutes are at the  
Montana Historical Society Archives  
225 North Roberts  
Helena, Mt 59620-1202  
(406) 444-4775**



## SENATE STANDING COMMITTEE REPORT

February 1, 2001

Page 1 of 1

Mr. President:

We, your committee on Fish and Game report that Senate Bill 285 (first reading copy - white) do pass as amended.

Signed:

  
Senator Mike Sprague, Chair

And, that such amendments read:

1. Title, line 8.

Following: "LANDS"

Insert: "THROUGH VOLUNTARY PROGRAMS"

2. Page 2, line 13.

Strike: "subsection (1)"

Insert: "this section"

Following: "voluntary."

Insert: "A lease, acquisition, or other arrangement for public access across private property that is initiated through a program established under this part must be negotiated on a cooperative basis and may only be initiated with the voluntary participation of private landowners. (4)"

- END -

Committee Vote:

Yes 9, No 1.

261610SC.srf



# HOUSE OF REPRESENTATIVE ROLL CALL

## FISH, WILDLIFE & PARKS COMMITTEE

DATE 3/8/01

| <u>NAME</u>                | <u>PRESENT</u> | <u>ABSENT</u> | <u>EXCUSED</u> |
|----------------------------|----------------|---------------|----------------|
| Chairman Dan Fuchs         | ✓              |               |                |
| Vice Chairman Joe Balyeat  | ✓              |               |                |
| Vice Chairman George Golie |                | ✓             |                |
| Rep. Gail Gutsche          | ✓              |               |                |
| Rep. Jeff Laszloffy        | ✓              |               |                |
| Rep. Debby Barrett         | ✓              |               |                |
| Rep. Jim Shockley          | ✓              |               |                |
| Rep. Tom Facey             | ✓              |               |                |
| Rep. Keith Bales           | ✓              |               |                |
| Rep. Larry Jent            | ✓              |               |                |
| Rep. Don Steinbeisser      | ✓              |               |                |
| Rep. Brett Tramelli        | ✓              |               |                |
| Rep. Paul Clark            | ✓              |               |                |
| Rep. Nancy Rice-Fritz      | ✓              |               |                |
| Rep. Rick Ripley           | ✓              |               |                |
| Rep. Diane Rice            | ✓              |               |                |
| Rep. Steve Gallus          | ✓              |               |                |
| Rep. Allen Rome            | ✓              |               |                |
| Rep. Bill Thomas           | ✓              |               |                |
| Rep. Ron Devlin            | ✓              |               |                |
|                            |                |               |                |



MONTANA HOUSE OF REPRESENTATIVES  
VISITORS REGISTER

DATE 3/8/2001

BILL NO. SB 262

SPONSOR(S) Wells

TYPE  
PROPONENT (P)      OPPONENT (O)      INFORMATIONAL (I)

PLEASE PRINT

PLEASE  
CIRCLE

NAME

ADDRESS

REPRESENTING

|     |                      |                                                         |                          |
|-----|----------------------|---------------------------------------------------------|--------------------------|
| POI | GARY MARBUT          | POB 4924<br>MISSOULA                                    | MSSA WMFGA<br>BSPSC MWSA |
| POI | Pam Buey             | D.O.J.                                                  | D.O.J.                   |
| POI | Mary Ann Hillbark    | DPHHS <del>ISE</del> <sup>P.O. Box 202913, Helena</sup> | ISED, DPHHS              |
| POI | Wendy Young          | ER Helena                                               | W29L                     |
| POI | Sharon Jeff- Rodenry | Helena                                                  | MCC                      |
| POI |                      |                                                         |                          |
| POI |                      |                                                         |                          |
| POI |                      |                                                         |                          |
| POI |                      |                                                         |                          |
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| POI |                      |                                                         |                          |
| POI |                      |                                                         |                          |
| POI |                      |                                                         |                          |
| POI |                      |                                                         |                          |

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony

S:\visitor register.frm

MONTANA HOUSE OF REPRESENTATIVES  
VISITORS REGISTER

DATE 3/8/2001

BILL NO. SB 285

SPONSOR(S) McNitt

TYPE  
PROPONENT (P)      OPPONENT (O)      INFORMATIONAL (I)

PLEASE PRINT

| PLEASE<br>CIRCLE | NAME             | ADDRESS                               | REPRESENTING            |
|------------------|------------------|---------------------------------------|-------------------------|
| POI              | LEF GUSTAFSON    | 2123 FAIRWAY CT<br>BILLINGS MT 59102  | PL/PW                   |
| POI              | CARL POSIPIS     | Box 38<br>LAWRENCE                    |                         |
| POI              | Ed Panson        | 3115 TURNBERRY<br>BILLINGS, MT 59101  | BRGC / SELF             |
| POI              | DWANE KALEY      | 180 BANDY CT.<br>HIGLEY MT.           | MT. DOWNHILLERS Assoc.  |
| POI              | Jon Fogarty      | 8123 CLARK RD<br>SHEPHERD MT          | MT Sportsmen            |
| POI              | John Gibson      | 2518 Broadwater<br>Billings, MT 59102 | Public Land Access Assn |
| POI              | BRYAN DUKK       | 3625 S. 16th AVE<br>SPOONER, MT       | PL/PW                   |
| POI              | Tom Hougren      | Melstone, MT                          | PL/PW                   |
| POI              | Verle Rademacher | Box 349<br>White Sulphur Springs      | PL/PW                   |
| POI              | DAVID DITTLER    | P.O. BOX 1175<br>HELENA               | MWS                     |
| POI              |                  |                                       |                         |
| POI              |                  |                                       |                         |
| POI              |                  |                                       |                         |
| POI              |                  |                                       |                         |

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony

EXHIBIT 1  
DATE 3/8/01  
SB 285

March 8, 2001

House Fish and Game Committee  
Capitol Station  
Helena, MT 59620

Chairman and members of the Committee,

My name is Jon Fogarty. Please accept this written testimony supporting SB 285. **This bill does many good things for landowner-sportsman relations and upgrades some of the management tools available to the Department of Fish Wildlife and Parks.** The best and most important product of this bill is that it lets me, a Montana Resident Sportsman, pay for a fair and reasonable share of the Block Management costs that are needed to run the Block Management Program. This bill also adjusts a few constraints that may be hindering the administration of the Block Management Program currently.

This bill is founded and was developed with excellent grass roots ideas and input from many Montanans involved in the very issues that this bill affects. It is a product of the Private Lands / Public Wildlife Committee, which was created to assist you with good background knowledge and grass root based input. Much effort and intense focus has been put forth by the PL/PW Committee to bring forth this important and needed legislation. **Please allow common sense to prevail and vote yes on SB-285.**

If you were to ask or take a poll about worthwhile issues concerning hunting in Montana I would predict that Block Management would be the one issue that would get the most press. **I think you would find from this poll that most Montanans who are hunters or landowners would largely be in support of what is being proposed in SB-285.** SB-285 is a culmination of endless efforts by constituents who are involved in these types of issues.

**Please vote yes on SB-285. Thank you.**

Sincerely,

Jon Fogarty,  
Resident Sportsman  
8123 Clark Road  
Shepherd, MT 59079

Senate Bill 285  
March 8, 2001  
Presented by Paul Sihler  
Montana Fish, Wildlife & Parks  
For the House Fish, Wildlife & Parks Committee

Mr. Chairman and members of the Committee, for the record, my name is Paul Sihler, Administrator of Field Services of Montana Fish, Wildlife & Parks. I rise in support of SB285.

This is the Centennial year of Montana Fish, Wildlife and Parks, and due to the efforts of many Montanans over the past 100 years, our wildlife populations are the envy of the Nation. However, gaining and maintaining public hunting access to both private and isolated public lands remains one of the Department's most difficult challenges.

The enactment of SB285 will provide opportunities to enhance public hunting access in a variety of ways. Foremost of these is expansion of Block Management, the Department's most successful program for improving public hunting access to privately-owned land. Just look at the statistics for the block management program for the 2000 hunting season: over 1,000 landowners enrolled in the program; a total of 7.8 million acres across the State; and over 300,000 hunter days of recreation. And more landowners wanted to enroll in 2000 than program funding could accommodate, with more hunters using Block Management Areas every year. Based on survey data, program evaluations, and hunter comments, the program seems to be working. To date, approximately 95% of enrolled landowners annually express an interest in re-enrolling, while preliminary data from nearly 6,000 hunter comment cards returned for the 2000 hunting season indicate that over 80 % of the Block Management Area hunters saw the game species they were hunting, over 40% bagged game, and approximately 80% rated their Block Management Area experience "positive."

The enactment of SB285 will also enhance the Department's fledgling Access Montana program, which seeks to improve legal public access to state and federally owned lands. The goals of this program are to improve legal access to public lands by developing cooperative access agreements, leases and other arrangements with willing landowners and to reduce conflict by improving boundary marking and providing better information to hunters about legal access points.

SB285 is brought to you today by the Governor's Private Land/Public Wildlife Council. It is the product of a year-and-one-half of collaborative efforts on the part of landowners, sportsmen and women, and outfitters. The Council was created in statute by the Legislature, which directed it to "report to the governor and 57<sup>th</sup> Legislature regarding the success of various elements of the hunting access enhancement program . . . and to make suggestions for funding, modification, or improvement needed to achieve the objectives of the program." (87-1-269, MCA).

While the Council drafted an initial proposal to generate an additional \$2 million for enhancing access, they modified their proposal to its current content after learning that FWP Commission

action would generate approximately \$1 million in new program revenue through 2001 fee increases to variable-priced market-based licenses.

The current PL/PW Council proposal, as stated in SB285, would generate approximately \$800,000 in additional revenue, and suggests that all hunters should help fund efforts to improve hunting access. In its report, which you all should have received, the PL/PW Council has recommended that the Department direct the additional funding toward improving access in the following ways:

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- ❑ Some funding should be directed to increasing the current landowner incentives cap from \$8,000 to \$12,000;
- ❑ Some revenue should be directed toward improving upland bird hunting access, which is in high demand statewide; and
- ❑ Some revenue should be used for increased program costs due to inflation and to produce additional informational materials.

Mr. Chairman and members of the Committee, SB285 represents a critical step toward the second Centennial, and I urge your support of this bill.

# HOUSE OF REPRESENTATIVE ROLL CALL

## FISH, WILDLIFE & PARKS COMMITTEE

DATE 3/13/01

| <u>NAME</u>                | <u>PRESENT</u> | <u>ABSENT</u> | <u>EXCUSED</u> |
|----------------------------|----------------|---------------|----------------|
| Chairman Dan Fuchs         | ✓              |               |                |
| Vice Chairman Joe Balyeat  | ✓              |               |                |
| Vice Chairman George Golie | ✓              |               |                |
| Rep. Gail Gutsche          | ✓              |               |                |
| Rep. Jeff Laszloffy        | ✓              |               |                |
| Rep. Debby Barrett         | ✓              |               |                |
| Rep. Jim Shockley          | ✓              |               |                |
| Rep. Tom Facey             | ✓              |               |                |
| Rep. Keith Bales           | ✓              |               |                |
| Rep. Larry Jent            | ✓              |               |                |
| Rep. Don Steinbeisser      | ✓              |               |                |
| Rep. Brett Tramelli        | ✓              |               |                |
| Rep. Paul Clark            | ✓              |               |                |
| Rep. Nancy Rice-Fritz      | ✓              |               |                |
| Rep. Rick Ripley           | ✓              |               |                |
| Rep. Diane Rice            | ✓              |               |                |
| Rep. Steve Gallus          | ✓              |               |                |
| Rep. Allen Rome            | ✓              |               |                |
| Rep. Bill Thomas           |                |               | ex ✓           |
| Rep. Ron Devlin            | ✓              |               |                |
|                            |                |               |                |

# House of Representatives

## Roll Call Vote

Fish, Wildlife & Parks Committee

DATE 3-13-02 Bill NO. SB 104 as amended NUMBER         

MOTION: Shockley moved to concur as amended  
Carry - Rep. Shockley

| Name                  | AYE | NO |
|-----------------------|-----|----|
| Vice Chairman Balyeat | ✓   |    |
| Rep. Gutsche          | ✓   |    |
| Rep. Laszloffy        | ✓   |    |
| Rep. Barrett          |     | ✓  |
| Rep. Shockley         | ✓   |    |
| Rep. Facey            | ✓   |    |
| Rep. Bales            |     | ✓  |
| Rep. Jent             |     | ✓  |
| Rep. Steinbeisser     |     | ✓  |
| Rep. Tramelli         | ✓   |    |
| Rep. Clark            | ✓   |    |
| Rep. Rice-Fritz       | ✓   |    |
| Rep. Ripley           |     | ✓  |
| Rep. Rice             |     | ✓  |
| Rep. Gallus           |     | ✓  |
| Rep. Rome             |     | ✓  |
| Rep. Thomas           |     | ✓  |
| Rep. Devlin           | ✓   |    |
| Vice Chairman Golie   | ✓   |    |
| Chairman Fuchs        | ✓   |    |
|                       |     |    |

# House of Representatives

## Roll Call Vote

### Fish, Wildlife & Parks Committee

DATE 3-13-2001 Bill NO. S.B. 431 NUMBER \_\_\_\_\_

MOTION: Rep. Ripley to table

| Name                  | AYE | NO |
|-----------------------|-----|----|
| Vice Chairman Balyeat | ✓   |    |
| Rep. Gutsche          |     | ✓  |
| Rep. Laszloffy        | ✓   |    |
| Rep. Barrett          | ✓   |    |
| Rep. Shockley         | ✓   |    |
| Rep. Facey            |     | ✓  |
| Rep. Bales            | ✓   |    |
| Rep. Jent             |     | ✓  |
| Rep. Steinbeisser     | ✓   |    |
| Rep. Tramelli         |     | ✓  |
| Rep. Clark            |     | ✓  |
| Rep. Rice-Fritz       |     | ✓  |
| Rep. Ripley           | ✓   |    |
| Rep. Rice             | ✓   |    |
| Rep. Gallus           |     | ✓  |
| Rep. Rome             | ✓   |    |
| Rep. Thomas           | ✓   |    |
| Rep. Devlin           | ✓   |    |
| Vice Chairman Golie   |     | ✓  |
| Chairman Fuchs        |     | ✓  |
|                       |     |    |

11-9





## HOUSE STANDING COMMITTEE REPORT

March 14, 2001

Page 1 of 1

Mr. Speaker:

We, your committee on Fish, Wildlife and Parks recommend that Senate Bill 104 (third reading copy - blue) be concurred in as amended.

Signed: Daniel Fuchs  
Representative Daniel Fuchs, Chair

To be carried by Representative Jim Shockley

And, that such amendments read:

1. Page 3, line 1.

Following: "dog"

Insert: ", on public land or on private land at the request of the landowner,"

2. Page 3, line 9.

Strike: "GUARD"

3. Page 3, line 10.

Following: "HUMANS,"

Insert: "lawns, gardens,"

4. Page 3, line 19.

Following: "~~so~~"

Insert: ", under this subsection,"

Following: "shall"

Insert: ", within 72 hours,"

Following: "department"

Strike: "within 72 hours"

Insert: "and surrender or arrange to surrender the wildlife to the department"

- END -

Committee Vote:

Yes 11, No 9.

581508SC.hdc

8/15



## HOUSE STANDING COMMITTEE REPORT<sup>401</sup>

March 14, 2001

Page 1 of 1

Mr. Speaker:

We, your committee on **Fish, Wildlife and Parks** recommend that **Senate Bill 285** (third reading copy - blue) be concurred in.

Signed: *Daniel Fuchs*  
*Representative Daniel Fuchs, Chair*

To be carried by Representative Paul Clark

- END -

**Committee Vote:**  
**Yes 18, No 2.**

581541SC.hdc

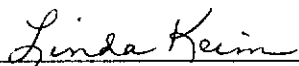
*13*  
*3*

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## COMMITTEE FILE COPY

### TABLED BILL

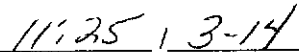
The **HOUSE FISH, WILDLIFE AND PARKS COMMITTEE** TABLED **SB 431**, by motion, on **Tuesday, March 13, 2001**.



(For the Committee)



(Chief Clerk of the House)



(Time)

(Date)

March 14, 2001

Linda J. Keim, Secretary

Phone: 444-4860

COMMITTEE ABSENTEE BALLOT

Date: 3-13-01

I hereby authorize Rep. Paul Clarke

to cast my vote(s) as follows:

SB 262 Yes

SB 104 Yes

SB 285 NO

SB 431 NO to table

Representative

Georg Golie



*The Big Sky Country*

**MONTANA HOUSE OF REPRESENTATIVES**

I give Rep. Ripley

my propie vote(s)

for 3-13-'01.

Rep. Bill Thomas





MONTANA HOUSE OF REPRESENTATIVES  
VISITORS REGISTER

DATE 3/13/01

BILL NO. SB 286

SPONSOR(S) Stonington

TYPE  
PROPONENT (P)      OPPONENT (O)      INFORMATIONAL (I)

PLEASE PRINT

PLEASE  
CIRCLE

NAME

ADDRESS

REPRESENTING

|     |                           |         |                 |
|-----|---------------------------|---------|-----------------|
| POI | Doug Menger               | Helena  | FWP             |
| POI | Carolyn Rogers            | Bozeman | mt              |
| POI | <del>Carolyn Rogers</del> |         |                 |
| POI | Clint Backwood            | Helena  | Lt C Bic. Comm. |
| POI |                           |         |                 |
| POI |                           |         |                 |
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Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony

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MONTANA HOUSE OF REPRESENTATIVES  
VISITORS REGISTER

DATE 3/13/01

BILL NO. SB 431

SPONSOR(S) Stonington

TYPE  
PROPONENT (P)      OPPONENT (O)      INFORMATIONAL (I)

PLEASE PRINT

PLEASE  
CIRCLE

NAME

ADDRESS

REPRESENTING

|   |     |             |        |            |
|---|-----|-------------|--------|------------|
| Ⓟ | POI | Chris Smith | Helena | FWP        |
| Ⓟ | POI | Janet Ellis | Helena | MT Audubon |
|   | POI |             |        |            |
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Amendments to Senate Bill No. 285  
3rd Reading Copy

EXHIBIT 5  
DATE 3/13/01  
SB 285

Requested by Representative Joe Balyeat

For the House Fish, Wildlife and Parks Committee

Prepared by Doug Sternberg  
March 9, 2001 (10:00AM)

1. Title, line 5.

Following: "CREATING"

Insert: "VOLUNTARY"

Following: "RESIDENT AND"

Insert: "MANDATORY"

2. Title, line 6.

Following: "ENHANCEMENT"

Insert: "PERMITS AND"

3. Title, line 8.

Following: "THAT THE"

Insert: "MANDATORY NONRESIDENT"

4. Title, line 12.

Following: "87-2-505,"

Insert: "AND"

Following: "87-2-510,"

Strike: "AND 87-2-711,"

5. Page 1, line 22.

Following: "fee on"

Strike: "resident and"

Following: "hunters"

Insert: "and through a voluntary hunting access enhancement  
permit for resident hunters"

6. Page 4, line 20.

Following: "(2)"

Strike: "The"

Insert: "Money from the voluntary"

Following: "enhancement"

Strike: "fee"

**Insert:** "permit"

7. Page 5, line 10 through line 11.

**Following:** "(3)(a)." on line 10

**Strike:** remainder of line 10 through "license." on line 11

**Insert:** "a resident may voluntarily purchase"

8. Page 5, line 12.

**Following:** "enhancement"

**Strike:** "fee of \$2 is assessed"

**Insert:** "permit for \$10"

**Following:** "The"

**Strike:** "additional fee"

**Insert:** "permit revenue"

9. Page 5, line 15.

**Following:** the first "enhancement"

**Strike:** "fee is paid"

**Insert:** "permit is purchased"

10. Page 5, line 15 through line 16.

**Following:** "." on line 15

**Strike:** remainder of line 15 through "year." on line 16

**Insert:** "A resident who purchases a hunting access enhancement permit during any license year may, upon purchase of the appropriate hunting licenses or tags, hunt on lands enrolled in the hunter management and hunting access enhancement programs during that license year."

11. Page 8, line 6 through line 18.

**Strike:** section 7 in its entirety

**Renumber:** subsequent sections

- END -